In re Application of Mark Kiff
Application No. 10/706,807

REMARKS

The Pending Claims

New claims 22-25 have been added. Accordingly, claims 14-17 and 19-25 currently are pending in the application.

Summary of the Office Action

The Office Action rejects claim 14 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,494,925 (Child et al.) (hereinafter "the Child '925 patent").

The Office Action also rejects claim 14 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 4,353,706 (Burns, Jr. et al.) (hereinafter "the Burns '706 patent").

The Office Action further rejects claims 15-17 under 35 U.S.C. § 103(a) as allegedly unpatentable over the Child '925 patent or the Burns '706 patent.

The Office Action rejects claims 19-21 under 35 U.S.C. § 103(a) as allegedly unpatentable over the Burns '706 patent alone or the Child '925 patent in view of the Burns '706 patent.

Discussion of the Section 102 and 103 Rejections

As noted above, the Office Action rejects the pending claims as allegedly anticipated by or obvious over the Child '925 patent and the Burns '706 patent. Applicant respectfully traverses these rejections.

As amended, the claimed methods now recite the following steps (described in general terms here): applying an unfixed dye to the fabric; drying the fabric under conditions to at least partially dry the fabric without fixing a substantial portion of the unfixed dye; and then etching selected portions of the fabric's pile to produce at least two regions with differing pile heights.

Applicants respectfully submit that neither the Child '925 patent nor the Burns '706 patent disclose or suggest the method recited in the pending claims. For example, the portions of the Child '925 patent cited in the Office Action do not disclose that the carpet was first treated with an unfixed dye, dried in a manner that did not fix a substantial amount of the unfixed dye, and then etched. In fact, the Child '925 patent appears to indicate that the fiber degrading composition and dye

were applied while the carpet was still wet with the "Cationic Polymer Solution" (see, e.g., the Child '925 patent at col. 8, lines 40-52).

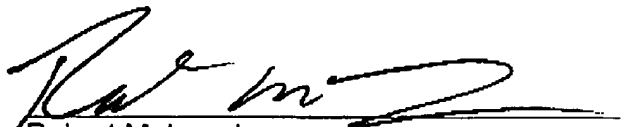
Furthermore, the Burns '706 patent does not disclose or suggest a method in which a fabric is first treated with an unfixed dye, dried in such a way as to avoid fixing a substantial amount of the unfixed dye, and then etched. In fact, as previously noted by Applicant, the Burns '706 patent merely discloses the simultaneous application of the fiber degrading composition and a dye or pigment. Therefore, given the Burns '706 patent's disclosure, the disclosed method would not involve a separate drying step between the application of the dye and the fiber degrading composition, as recited in the pending claims.

In view of the foregoing, Applicant respectfully submits that the pending claims are neither anticipated by nor obvious over the Child '925 patent or the Burns '706 patent, whether the references are considered alone or in combination. The Section 102 and 103 rejections, therefore, should be withdrawn.

Conclusion

In view of the foregoing, the application is considered in proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone interview would expedite prosecution of the instant application, the Examiner is invited to call the undersigned.

Respectfully submitted,



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